

HOUSE BILL No. 1397

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-14-3.5-10; IC 9-18-2-17; IC 9-21-3.5; IC 9-29-2.

Synopsis: Private toll facilities. Authorizes the operator of a private toll facility to enforce toll violations through an automated traffic law enforcement system. Provides that the bureau of motor vehicles (BMV) shall withhold the registration of a vehicle that was operated in the commission of a toll violation if the owner of the vehicles fails to pay applicable fines and charges. Provides that the operator of a private toll facility is not required to pay fees for certain BMV records.

Effective: July 1, 2015.

Soliday

January 14, 2015, read first time and referred to Committee on Roads and Transportation.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1397

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-14-3.5-10, AS AMENDED BY P.L.125-2012,
2 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 10. The bureau may disclose certain personal
4 information that is not highly restricted information if the person
5 requesting the information provides proof of identity and represents
6 that the use of the personal information will be strictly limited to at
7 least one (1) of the following:
8 (1) For use by a government agency, including a court or law
9 enforcement agency, in carrying out its functions, or a person
10 acting on behalf of a government agency in carrying out its
11 functions.
12 (2) For use in connection with matters concerning:
13 (A) motor vehicle or driver safety and theft;
14 (B) motor vehicle emissions;
15 (C) motor vehicle product alterations, recalls, or advisories;



- 1 (D) performance monitoring of motor vehicles, motor vehicle
- 2 parts, and dealers;
- 3 (E) motor vehicle market research activities, including survey
- 4 research;
- 5 (F) the removal of nonowner records from the original owner
- 6 records of motor vehicle manufacturers; and
- 7 (G) motor fuel theft under IC 24-4.6-5.
- 8 (3) For use in the normal course of business by a business or its
- 9 agents, employees, or contractors, but only:
- 10 (A) to verify the accuracy of personal information submitted
- 11 by an individual to the business or its agents, employees, or
- 12 contractors; and
- 13 (B) if information submitted to a business is not correct or is
- 14 no longer correct, to obtain the correct information only for
- 15 purposes of preventing fraud by, pursuing legal remedies
- 16 against, or recovering on a debt or security interest against, the
- 17 individual.
- 18 (4) For use in connection with a civil, a criminal, an
- 19 administrative, or an arbitration proceeding in a court or
- 20 government agency or before a self-regulatory body, including the
- 21 service of process, investigation in anticipation of litigation, and
- 22 the execution or enforcement of judgments and orders, or under
- 23 an order of a court.
- 24 (5) For use in research activities, and for use in producing
- 25 statistical reports, as long as the personal information is not
- 26 published, re-disclosed, or used to contact the individuals who are
- 27 the subject of the personal information.
- 28 (6) For use by an insurer, an insurance support organization, or a
- 29 self-insured entity, or the agents, employees, or contractors of an
- 30 insurer, an insurance support organization, or a self-insured entity
- 31 in connection with claims investigation activities, anti-fraud
- 32 activities, rating, or underwriting.
- 33 (7) For use in providing notice to the owners of towed or
- 34 impounded vehicles.
- 35 (8) For use by a licensed private investigative agency or licensed
- 36 security service for a purpose allowed under this section.
- 37 (9) For use by an employer or its agent or insurer to obtain or
- 38 verify information relating to a holder of a commercial driver's
- 39 license that is required under the Commercial Motor Vehicle
- 40 Safety Act of 1986 (49 U.S.C. 2710 et seq.).
- 41 (10) For use in connection with the operation of private toll
- 42 ~~transportation~~ facilities, **including the enforcement of toll**



violations under IC 9-21-3.5.

(11) For any use in response to requests for individual motor vehicle records when the bureau has obtained the written consent of the person to whom the personal information pertains.

(12) For bulk distribution for surveys, marketing, or solicitations when the bureau has obtained the written consent of the person to whom the personal information pertains.

(13) For use by any person, when the person demonstrates, in a form and manner prescribed by the bureau, that written consent has been obtained from the individual who is the subject of the information.

(14) For any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety.

However, this section does not affect the use of anatomical gift information on a person's driver's license or identification document issued by the bureau, nor does this section affect the administration of anatomical gift initiatives in the state.

SECTION 2. IC 9-18-2-17, AS AMENDED BY P.L.125-2012, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. (a) Upon receiving the information under section 16 of this chapter, the bureau shall:

(1) determine:

(A) the genuineness and regularity of the information; and

(B) that the person applying for registration is entitled to register the vehicle;

(2) subject to subsection (b), register the vehicle described in the application; and

(3) keep a record of the registration of the vehicle under a distinctive registration number assigned to the vehicle in a manner the bureau considers desirable for the convenience of the bureau.

(b) Upon receiving notice, as described in IC 9-21-3.5-10(c), of the failure of an owner of a vehicle to pay a fine, charge, or other assessment for a toll violation documented under IC 9-21-3.5-12, the bureau shall withhold the annual registration of the vehicle that was used in the commission of the toll violation until the owner pays the fine, charge, or other assessment, plus any applicable fees, to:

(1) the bureau; or

(2) the appropriate authority under IC 9-21-3.5 that is responsible for the collection of fines, charges, or other assessments for toll violations under IC 9-21-3.5.

If the owner pays the fine, charge, or assessment, plus any applicable



fees, to the bureau as described in subdivision (1), the bureau shall remit the appropriate amount to the appropriate authority under IC 9-21-3.5 that is responsible for the collection of fines, charges, assessments, or fees for toll violations under IC 9-21-3.5.

(c) Upon receiving notice, as described in IC 9-21-3.5-15(d), of the failure of an owner of a vehicle to pay a fine, charge, or other assessment for a toll violation documented under IC 9-21-3.5-12 or IC 9-21-3.5-14, the bureau shall withhold the annual registration of the vehicle that was used in the commission of the toll violation until the owner pays the fine, charge, or other assessment, plus any applicable fees, to:

(1) the operator of the private toll facility; or

(2) a person designated by the operator of the private toll facility to collect fines, charges, or other assessments for toll violations under IC 9-21-3.5;

as applicable.

SECTION 3. IC 9-21-3.5-2, AS ADDED BY P.L.47-2006, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. As used in this chapter, "automated traffic law enforcement system" means a device that:

(1) has one (1) or more motor vehicle sensors; and

(2) is capable of producing a photographically recorded image of a motor vehicle, including an image of the vehicle's front or rear license plate, as the vehicle proceeds through a tollgate, toll zone, or other area on a tollway, qualifying project, **private toll facility**, or toll road that is marked as required by the department, the authority, or an operator as a place where a person using the tollway, qualifying project, **private toll facility**, or toll road must pay a toll. ~~or is otherwise subject to a fee for using the tollway; qualifying project; or toll road.~~

SECTION 4. IC 9-21-3.5-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3.5. As used in this chapter, "fee" means an amount assessed or imposed under:

(1) rules adopted under section 10(a)(4) of this chapter; or

(2) section 14(a)(2) of this chapter;

with respect to a toll violation.

SECTION 5. IC 9-21-3.5-4, AS ADDED BY P.L.47-2006, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. As used in this chapter, "operator" ~~has the meaning set forth~~ means:

(1) with respect to a tollway, qualifying project, or toll road,



1 **an operator (as defined in IC 8-15.5-2-5 or IC 8-15.7-2-11); or**
 2 **(2) with respect to a private toll facility, a private entity that**
 3 **owns or operates the private toll facility.**

4 SECTION 6. IC 9-21-3.5-5.5 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2015]: **Sec. 5.5. As used in this chapter,**
 7 **"private toll facility" means any new or existing highway, street,**
 8 **motorway, road, or bridge owned or operated by a private entity,**
 9 **including all tunnels, overpasses, underpasses, interchanges,**
 10 **entrance plazas, approaches, tollhouses, service stations, and**
 11 **administration, storage, and other buildings and facilities**
 12 **necessary or desirable for the operation of the private toll facility,**
 13 **together with all property, rights, easements, and interests which**
 14 **may be acquired by the private entity for the construction or**
 15 **operation of the facility. "Private toll facility" includes any**
 16 **subsequent improvement, betterment, enlargement, extension, or**
 17 **reconstruction of an existing private toll facility.**

18 SECTION 7. IC 9-21-3.5-7.5 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2015]: **Sec. 7.5. As used in this chapter, "toll**
 21 **violation" refers to the failure to pay a toll or user fee required**
 22 **under section 9 or 9.1 of this chapter.**

23 SECTION 8. IC 9-21-3.5-9.1 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2015]: **Sec. 9.1. The owner of a motor vehicle,**
 26 **other than an authorized emergency vehicle, that is driven or**
 27 **towed through or on a private toll facility shall pay the proper toll**
 28 **or user fee.**

29 SECTION 9. IC 9-21-3.5-10, AS AMENDED BY P.L.163-2011,
 30 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2015]: **Sec. 10. (a) The department or the authority may adopt**
 32 **and enforce rules concerning:**

- 33 (1) the placement and use of automated traffic law enforcement
- 34 systems to enforce collection of user fees;
- 35 (2) required notification in the form of a citation to the owner of
- 36 a vehicle used in the commission of a moving violation under
- 37 section 9 of this chapter;
- 38 (3) the process for notification, collection, and enforcement of
- 39 unpaid amounts;
- 40 (4) the amount of fines, charges, and assessments for toll
- 41 violations, including, with respect to amounts unpaid by violators
- 42 who are not subject to IC 9-18-2-17(b):



- 1 (A) contracting with a collection agency; and
 2 (B) authorizing the collection agency in the contract for
 3 collection services to impose on and collect from the violator
 4 an additional collection fee; and
 5 (5) other matters relating to automated traffic law enforcement
 6 systems that the department or the authority considers
 7 appropriate.
 8 (b) A rule adopted under subsection (a)(2) must establish:
 9 (1) a deadline for the department, authority, or operator, as
 10 applicable, to issue a citation to an owner of a vehicle used in the
 11 commission of a moving violation under section 9 of this chapter;
 12 and
 13 (2) a deadline, not to exceed thirty (30) days following receipt of
 14 the citation as determined under section ~~12(b)(1)~~ **12(2)** of this
 15 chapter, for the owner to pay a fine, charge, or other assessment
 16 for the toll violation.
 17 (c) The department **or the authority** shall establish a process by
 18 which the department, authority, or operator, as applicable, shall notify
 19 the bureau of an owner's failure to pay a fine, charge, or other
 20 assessment for a toll violation following the expiration of the deadline
 21 described in subsection (b)(2).
 22 **(d) This section does not apply with respect to a private toll**
 23 **facility.**
 24 SECTION 10. IC 9-21-3.5-11, AS ADDED BY P.L.47-2006,
 25 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2015]: Sec. 11. **(a)** Before enforcing a rule adopted under
 27 section 10 of this chapter, the department, the authority, or an operator
 28 must install advance warning signs along the tollways, toll roads, or
 29 qualifying projects proceeding to the location at which an automated
 30 traffic law enforcement system is located.
 31 **(b) Before imposing or collecting a toll or fee under section 14**
 32 **of this chapter, an operator must install advance warning signs**
 33 **along the private toll facility proceeding to the location at which an**
 34 **automated traffic law enforcement system is located.**
 35 SECTION 11. IC 9-21-3.5-12, AS ADDED BY P.L.47-2006,
 36 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2015]: Sec. 12. ~~(a)~~ In the ~~prosecution~~ **enforcement** of a toll
 38 violation, **including the collection of fees:**
 39 **(1)** proof that the motor vehicle was driven or towed through the
 40 toll collection **or private toll** facility without payment of the
 41 proper toll **or user fee** may be shown by a video recording, a
 42 photograph, an electronic recording, or other appropriate



evidence, including evidence obtained by an automated traffic law enforcement system;

~~(b) In the prosecution of a toll violation:~~

~~(1) (2)~~ it is presumed that any notice of nonpayment was received on the fifth day after the date of mailing; and

~~(2) (3)~~ a computer record of the department, the authority, or the operator ~~of~~ **regarding** the registered owner of the vehicle is prima facie evidence of its contents and that the toll violator was the registered owner of the vehicle at the time of the underlying event of nonpayment.

SECTION 12. IC 9-21-3.5-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 14. (a) The operator of a private toll facility may do the following:**

(1) Fix, revise, charge, and collect tolls for the use of a private toll facility by any person, partnership, association, limited liability company, or corporation desiring the use of any part of the private toll facility, including the right of way adjoining the paved portion of the private toll facility. For purposes of this subdivision, the use of a private toll facility includes the placement of telephone, telegraph, electric, or power lines on any part of the private toll facility.

(2) Fix the terms, conditions, and rates of charge for use of the private toll facility, including fees for nonpayment of required tolls. However, a fee imposed for nonpayment of a required toll may not exceed three (3) times the amount of the unpaid toll.

(3) Collect tolls and fees through manual or nonmanual methods, including automated traffic law enforcement systems, automatic vehicle identification systems, electronic toll collection systems, global positioning systems, and photo or video based toll collection or toll collection enforcement systems.

(b) The operator of a private toll facility may not impose a fee under subsection (a)(2) for nonpayment of a required toll until the operator has provided notice of the unpaid toll to the toll violator in accordance with notice requirements published on the Internet web site of the private toll facility.

SECTION 13. IC 9-21-3.5-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 15. (a) The operator of a private toll facility may enter into an agreement with the bureau to obtain**



1 information under IC 9-14-3 and IC 9-14-3.5 necessary to enforce
 2 violations of section 9.1 of this chapter, including information
 3 regarding the registered owner of a vehicle operated in violation of
 4 section 9.1 of this chapter.

5 (b) The bureau may use any reciprocal arrangement that
 6 applies to the bureau to obtain information for purposes of
 7 subsection (a).

8 (c) An operator may use information provided under this
 9 section only for the purposes of this section.

10 (d) The operator of a private toll facility shall inform the bureau
 11 of the operator's process to notify the bureau of an owner's failure
 12 to pay a fine, charge, fee, or other assessment for a toll violation
 13 following the expiration of the deadline for payment of the fine,
 14 charge, fee, or other assessment as set forth in the operator's notice
 15 requirements published on the Internet web site of the private toll
 16 facility under section 14(b) of this chapter.

17 SECTION 14. IC 9-29-2-1, AS AMENDED BY P.L.216-2014,
 18 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2015]: Sec. 1. (a) The fee to obtain:

- 20 (1) a certified copy of a record; or
- 21 (2) an electronic record;

22 of the bureau under IC 9-14-3-4 is four dollars (\$4) for each document.
 23 This fee is in addition to the uniform copying fee established under
 24 IC 5-14-3-8. The fee shall be deposited in the motor vehicle highway
 25 account.

26 (b) The fee imposed by this section does not apply to a law
 27 enforcement agency, ~~and~~ an agency of government, **or an operator (as**
 28 **defined in IC 9-21-3.5-4).**

29 (c) The bureau shall give precedence to requests from law
 30 enforcement agencies and agencies of government for certified copies
 31 of records.

32 SECTION 15. IC 9-29-2-2, AS AMENDED BY P.L.216-2014,
 33 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2015]: Sec. 2. (a) The fee to obtain information regarding
 35 vehicle titles under IC 9-14-3-5 is four dollars (\$4) for each record
 36 requested, plus any service fee charged by the office of technology
 37 established by IC 4-13.1-2-1.

38 (b) Except as provided in subsection (c), the fee to obtain
 39 information regarding a license, vehicle registration, or permit under
 40 IC 9-14-3-5 is four dollars (\$4) for each record requested, plus any
 41 service fee charged by the office of technology established by
 42 IC 4-13.1-2-1.



1 (c) The fee to obtain a driver's license history under IC 9-14-3 is
2 eight dollars (\$8) for each history requested, plus any service fee
3 charged by the office of technology established by IC 4-13.1-2-1.

4 (d) A fee imposed by this section and paid to the bureau is in lieu of
5 fees established under IC 5-14-3-8 and does not apply to a law
6 enforcement agency, ~~or~~ an agency of government, **or an operator (as**
7 **defined in IC 9-21-3.5-4).**

8 (e) A fee imposed by this section shall be deposited in the motor
9 vehicle highway account.

